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**From:** Pero, Haley (Sanders) [Haley\_Pero@sanders.senate.gov]  
**Sent:** 8/7/2015 12:44:19 PM  
**To:** Berry, Tom (Leahy) [Tom\_Berry@leahy.senate.gov]; Brown, Rudy [Brown.Rudy@epa.gov]; George Twigg (george.twigg@mail.house.gov) [george.twigg@mail.house.gov]  
**Subject:** RE: Swan Valley Cheese of Vermont

Yes – the update is much appreciated. Thanks, Rudy.

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**From:** Berry, Tom (Leahy)  
**Sent:** Friday, August 07, 2015 8:23 AM  
**To:** Brown, Rudy; Pero, Haley (Sanders); George Twigg (george.twigg@mail.house.gov)  
**Subject:** RE: Swan Valley Cheese of Vermont

Thanks for keeping us up to date on this.

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**From:** Brown, Rudy [mailto:Brown.Rudy@epa.gov]  
**Sent:** Friday, August 07, 2015 7:21 AM  
**To:** Berry, Tom (Leahy) <Tom\_Berry@leahy.senate.gov>; Pero, Haley (Sanders) <Haley\_Pero@sanders.senate.gov>; George Twigg (george.twigg@mail.house.gov) <george.twigg@mail.house.gov>  
**Subject:** FW: Swan Valley Cheese of Vermont

Tom, Haley, George,

See the e-mail up-date regarding Swan Valley Cheese. If you have questions, please contact me.

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**Subject:** Swan Valley Cheese of Vermont

This is to update you on the Swan Valley Cheese of Vermont (“Swan Valley”) matter. As I informed you, in mid-July, EPA issued a *draft* Notice of Violation and Administrative Order to the company and solicited feedback. We had planned to issue the final order last week, but the company had some technical comments that we had to resolve with the help of our expert. To avoid a facility shut-down, the final NOV/AO would have allowed the company to continue using its problematic refrigeration system for a few more months (with the addition of many interim safety controls) while it built a brand new refrigeration system.

Today, EPA received late-breaking news that, on the advice of its lawyers and insurance company, the company plans to remove the ammonia from the existing refrigeration system immediately, even before it starts to build a new system. The company does not think that it will need to lay off employees or shut down business operations while it is operating without a refrigeration system to cool its final products, because it will make a different kind of cheese that does not require refrigeration.

This is good news, but it has required our attorneys to completely revise the final NOV/AO and associated documents today. They will have a final NOV/AO ready for signature tomorrow, but as key staff are going out on vacation, EPA managers may not want to issue this final NOV/AO until key staff return – particularly since the parties are still discussing technical plans. Meanwhile, EPA will be working with the company, our expert, and the company’s refrigeration contract to ensure that its ammonia removal plans are safe.